

August 8, 2016

Cathy Derbonne
Executive Director
State Police Commission
Post Office Box 66555
Baton Rouge, Louisiana 70896

RECEIVED
AUG 11 2016
State Police Commission

Leon "Bucky" Millet
114 Magnolia Ave.
Lake Arthur, Louisiana 70549

Please accept this correspondence as a formal request pursuant to State Police Commission Rule Chapter 16, Investigations. I am asking for an investigation regarding the violation of the Louisiana State Constitution Title 10 Section 43, State Police Commission.

Apparently the commission members, with the exception of (1) one, were appointed in violation of the intent as well as the letter of the law in Title 10 Section 43.

This would bring into question, what Constitutional authority does this commission have to act in any official capacity, including any official acts taken at the July 14, Commission meeting?

Please feel free to contact me at 337-774-3322.

Sincerely,


Leon "Bucky" Millet
Lt. Louisiana State Police Retired

cc: Honorable John Bel Edwards
Honorable Jeff Landry

16.19 Commission
Action Following
Investigation by Public
Hearing.

The Commission shall, upon concluding its Public Hearing and investigation, render a decision in writing, which shall contain its finding of fact, conclusions of law, and pertinent orders and instructions; and shall file same with the Director. The decision shall be final on the day it is filed. The Director shall furnish copies to all respondents and other interested parties.

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SEP 11 2013

State Police Commission



State Police Commission

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John Bel Edwards
Governor

Cathy Derbonne
Executive Director

August 25, 2016

Mr. Leon "Bucky" Millet
114 Magnolia Avenue
Lake Arthur, Louisiana 70549

Re: SPC Investigation Docket No. 16-228-I

NOTICE OF DOCKETING

Pursuant to State Police Commission Rule 2.15, Opportunity to Address the Commission, written charges were filed on August 11, 2016, by Mr. Leon "Bucky" Millet, Louisiana State Police Retired, alleged violation of the rules of Louisiana State Constitution Article 10 Section 43c, State Police Commission which states:

"(C) Nominations. The presidents of Centenary College at Shreveport, Dillard University at New Orleans, Louisiana College at Pineville, Loyola University at New Orleans, Tulane University of Louisiana at New Orleans, and Xavier University at New Orleans, after giving consideration to representation of all groups, each shall nominate three persons. The governor shall appoint one member of the commission from the three persons nominated by each president. One member of the commission shall be elected by the classified state police officers of the state from their number as provided by law. A vacancy for any cause shall be filled by appointment or election in accordance with the procedure or law governing the original appointment or election, and from the same source. Within thirty days after a vacancy occurs, the president concerned shall submit the required nominations. Within thirty days thereafter, the governor shall make his appointment. If the governor fails to appoint within thirty days, the nominee whose name is first on the list of nominees automatically shall become a member of the commission. If any nominating authority fails to submit nominees in the time required, or if one of the named institutions ceases to exist, the governor shall make the appointment to the commission."

The fact that this investigation was docketed does not constitute an opinion as to the sufficiency or validity of the investigation and does not prevent its dismissal under State Police Commission Rule 13.5.

Sincerely,

Cathy Derbonne
Director

cc: Mr. T. Taylor Townsend
State Police Commission

Equal Opportunity Employer

**MINUTES
STATE POLICE COMMISSION**

Date: September 8, 2016 Time: 9:00 a.m.

Location: State Police Commission
Office of Management Finance & OMV Building
7979 Independence Boulevard, Suite 208
Baton Rouge, Louisiana 70806

Present: Calvin W. Braxton, Sr. Cathy Derbonne, Director
Donald Breaux M. Lenore Feeney, Referee
Thomas "T.J." Doss T. Taylor Townsend, Referee
W. Lloyd Grafton
Jared Caruso-Riecke
Eulis Simien, Jr.

Absent: 0 Vacancies: 1

Scribe: Cathy Derbonne, Director

AGENDA

1. Call to Order: Trooper Thomas TJ Doss, Chairman
2. Roll Call of the Members - Cathy Derbonne, Director
Pledge of Allegiance
3. Consideration of August 11, 2016 Meeting Minutes
4. Consideration of Settlement Agreement in the matter of Tracy Plaisance Appeal, Docket No 14-216
5. Investigations:
 - a) In the Matter of SPC Investigation Docket No 16-226-I SPC Rule 14.3 (g)
 - b) In the Matter of SPC Investigation Docket No. 16-228-I CONST 10 43 (c)
6. Opportunity to Address the Commission by Employees or Others
 - a) Discussion of whether there is a need to propose any new rules or amendments to existing rules.
Trooper TJ Doss
 - b) Discussion of how the Executive Director pay is set and whether it can be tied to a State Police Service rank. Jared Caruso-Riecke Adjournment

1. Call to Order. The meeting was called to order at 9:05 a.m. by Trooper Thomas TJ Doss, Chairman

2. Roll Call. Ms. Derbonne called the roll. All members were present, which constitute a quorum.
Pledge of Allegiance. Trooper Doss led the Pledge of Allegiance.

3. Minutes from the August 11, 2016 meeting:

Mr. Calvin Braxton moved to approve the minutes, which motion was seconded by Mr. Jared Caruso-Riecke and the minutes were approved by unanimous vote of the Members present.

4. Consideration of Settlement Agreement in the matter of Tracy Plaisance Appeal, Docket No 14-216

Mr. Calvin Braxton moved to go into executive session, which was seconded by Mr. Thomas TJ Doss. All members voted in favor of the motion go into executive session.

Mr. Eulis Simien moved to recuse himself from participation, citing a conflict of interest, which motion was documented in the record.

The Commission went into executive session at 9:10a.m. and the regular meeting resumed at 9:35 a.m.

Mr. Jared Caruso-Riecke, seconded by Mr. Donald Breaux, moved to deny the settlement agreement and set the matter for public hearing. The motion passed by unanimous vote.

5. Investigations:

a) In the Matter of SPC Investigation Docket No 16-226-I SPC Rule 14.3 (g)

Mr. T. Taylor Townsend reported the findings of the preliminary investigation concerning a complaint alleging that a classified member of the State Police Service being transferred to an unclassified position outside of the State Police Service. Mr. Townsend reported that the individual, Trooper Jason Starnes, was not officially appointed to the undersecretary position. Mr. Townsend noted that the Colonel does not have the authority to appoint anyone to this position because the Governor has the exclusive authority to fill the position, subject to Senate approval. Mr. Townsend further explained that the Commission's approval of the new position of "Chief Administrative Officer" at the August meeting has rendered the investigation moot.

Mr. Jared Caruso Riecke, seconded by Mr. Calvin Braxton, moved to go into executive session to discuss the issue further, as it pertained to a personnel matter. The motion passed by unanimous vote.

The Commission went into executive session at 9:37a.m. and the regular meeting resumed at 10:02 a.m.

Mr. Tom Aswell voiced his opinion that there is conflict of the outcome of this investigation, due to the fact that the LSP website referenced that Mr. Starnes was assigned as the Undersecretary. Mr. Aswell further expressed his opinion that the Commission went into executive session in violation of state law because it was his belief that the matter was not a personnel matter.

Mr. Townsend stated that the motion to go into executive session was to discuss personnel matters in the investigation.

Mr. Jared Caruso Riecke, seconded by Mr. Donald Breaux, moved to take no further action regarding the investigation (Docket No 16-226-I), and the motion carried.

b) In the Matter of SPC Investigation Docket No. 16-228-I CONST 10 43(c)

On the complaint filed on August 11, 2016, which alleged a violation of the rules of the Louisiana State Constitution Article 10 Section 43(C), Mr. Townsend reported this would not fall under the Commission's jurisdiction.

Mr. Millet questioned whether the Commission had any responsibility to report a possible violation proper authorities for further action.

Mr. Jared Caruso Riecke, seconded by Mr. Donald Breau, moved to take no further action regarding the investigation (Docket No 16-228-I), and the motion carried.

6. Opportunity to Address the Commission by Employees or Others

a) Discussion of whether there is a need to propose any new rules or amendments to existing rules.

Trooper "T. J." Doss distributed a copy of proposed rule change regarding Chapter 3: Duties of the Director. The proposed by T. Taylor Townsend would make it the Executive Director's duty to provide written notice of any vacancy on the Commission to the Office of the Governor, the Director of the Office of Boards and Commissions, and to the University Presidents enumerated in Article X, Part IV, Section 43(C) of the Louisiana Constitution of 1974.

Mr. Jared Caruso-Riecke, seconded by Mr. Lloyd Grafton, moved to publish the proposed amendment for consideration at the Commission's next meeting. The motion carried.

b) Discussion of how the Executive Director pay is set and whether it can be tied to a State Police Service rank.

Mr. Jared Caruso-Riecke stated that currently, there are no guidelines dealing with director pay, and that he believes there is a need to create a set range.

c) Mr. Leon Millet addressed the Commission on alleged violation of the rules of the Louisiana State Constitution Article 10 Section 43c and asked members how they were appointed to this board.

Mr. Lloyd Grafton states a proposed rule has been created to provide written notice of any vacancy to the Office of the Governor, the Director of the Office of Boards and Commissions, and to the University Presidents enumerated in Article X, Part IV, Section 43(C) of the Louisiana Constitution of 1974.


Mr. Millet requested a copy of the report of the conclusion of the public hearing of the LSTA investigation. Mr. Townsend stated that there was no public hearing on the matter, therefore a report is not required.


Next meeting: The next regular business meeting of the State Police Commission will be held on October 13, 2016, at 9:00 a.m., at Office of Management Finance & OMV Building, 7979 Independence Blvd., Suite 208, Baton Rouge, La. 70806.

Adjournment: At the conclusion of the Commission's agenda, Mr. Jared Caruso-Riecke moved to adjourn the meeting, which motion was seconded by Mr. Eulis Simien, and passed with no opposition. The meeting adjourned at 11:00 a.m.

-END-

Respectfully Submitted by:


Trooper Thomas "T. J." Doss


Cathy Derbonne, Director